

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 CHARLES W. WEBER,) CASE NO. C08-1676-RSL-MAT
09)
Petitioner,)
10)
v.) ORDER GRANTING PETITIONER'S
11) MOTION FOR EXTENSION OF TIME
STEPHEN SINCLAIR,)
12)
Respondent.)
13 _____)

14 Petitioner, through appointed counsel, has filed a motion for an extension of time to file
15 an amended petition for a writ of habeas corpus. (Dkt. No. 18). The Court, having reviewed
16 the motion and the balance of the record, hereby finds and ORDERS as follows:

17 (1) Petitioner's motion for an extension of time does not comply with Civil Rule 7
18 of the Local Rules regarding the filing of motions. Specifically, the motion does not comply
19 with CR 7(a), which directs a movant to file a motion and a proposed Order with the Clerk.
20 Counsel for petitioner did not attach a proposed Order to the motion. In addition, counsel
21 incorrectly noted the motion for consideration on the same day it was filed, May 4, 2009.
22 Local Rule CR 7(d)(2) provides that in cases such as this, where a party is confined, the noting

01 date provided in either CR 7(d)(1) or 7(d)(3) shall apply, depending on the type of motion at
02 issue. A motion for extension of time falls under CR 7(d)(3), which states that the noting date
03 for such a motion is the third Friday after filing. Therefore, the correct noting date for this
04 motion is May 22, 2009.

05 (2) Ordinarily these lapses by counsel would prompt the Court to strike the motion
06 and require counsel to refile a corrected motion. However, because this case has already been
07 delayed once by the actions of petitioner's former counsel, and because petitioner should not
08 bear the consequences of present counsel's error, the Court will grant the motion. Petitioner's
09 motion for an extension of time (Dkt. No. 18) is GRANTED. Counsel shall file an amended
10 petition no later than May 26, 2009. No further extensions will be granted absent
11 extraordinary circumstances.

12 (3) The Clerk shall forward copies of this Order to counsel of record and to the
13 Honorable Robert S. Lasnik.

14 DATED this 8th day of May, 2009.

15
16 s/ Mary Alice Theiler
United States Magistrate Judge